

**REPORT OF THE COMMITTEE ON
PUBLIC INFRASTRUCTURE AND TECHNOLOGY**

Voting Members:

Carol Fukunaga, Chair; Andria Tupola, Vice-Chair;
Brandon J.C. Elefante, Heidi Tsuneyoshi

Committee Meeting Held
October 19, 2022

Honorable Tommy Waters
Council Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Public Infrastructure and Technology, to which was referred Bill 32 (2022), CD1 entitled:

"A BILL FOR AN ORDINANCE RELATING TO OPEN DATA REQUIREMENTS,"

introduced on April 27, 2022, and which passed Second Reading and was the subject of a Public Hearing held at the Council meeting on October 5, 2022, reports as follows:

The purpose of Bill 32 (2022), CD1 is to amend the executive branch open data requirements to:

1. Plan: create a strategy, governance structure, and inventory for certain data;
2. Build: increase the capacity of stakeholders to effectively use certain data;
3. Share: establish clear and predictable processes for data sharing;
4. Analyze: provide mechanisms and platforms to enable data integration and analysis; and
5. Sustain: ensure ongoing support exists for data efforts.

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ADOPTED ON _____

COMMITTEE REPORT NO. 281

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At your Committee's meeting on October 19, 2022, the Director of Information Technology testified in support of the proposed handcarried CD2 version of the Bill. Your Committee received written testimony in support of the Bill from the Ulupono Initiative.

Your Committee considered and approved a proposed handcarried CD2 version of the Bill (OCS2022-0842/10/19/2022 11:23 AM) that makes the following amendments:

The PROPOSED CD2 makes the following amendments:

- A. Amends proposed new ROH Section 2-19.5(a) by:
 - 1. Deleting the reference to the City Auditor in the lead-in language; and
 - 2. Clarifying in subdivision (3)(A) that the city data plan, at minimum, shall address open data policies and procedures by determining specific minimum key performance indicators for each agency, to be posted pursuant to Section 2-19.2 and Section 2-19.9.
- B. Amends ROH Sections 2-19.5(a), 2-19.5(a)(2)(B), and 2-19.5(b) by replacing "on January 31, 2024" with language indicating that the deadlines for the submission of the initial city data plan (which will serve as the measuring date for the submission of subsequent data plans and reports) will be one year following the hiring of a chief data officer.
- C. Amends proposed new ROH Section 2-19.9 by clarifying that under the oversight of the chief data officer, key performance indicators by agency shall be reported and posted publicly, and should be built into operations systems that will provide continual measurements for agencies, in

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accordance with the city data plan and agency compliance plans provided for in Section 2-19.5 and Section 2-19.6, respectively.

- D. Amends SECTION 4 of the bill by deleting the proviso relating to the delayed effective date (January 31, 2024) of proposed new ROH Section 2-19.9 as enacted in SECTION 2 of the bill.
- E. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee notes that the Bill will provide the opportunity for continuous public access to information on an ongoing basis, which will assist in monitoring performance changes within city agencies.

Your Committee on Public Infrastructure and Technology is in accord with the intent and purpose of Bill 32 (2022), CD1, as amended herein, and recommends that it pass third reading in the form attached hereto as Bill 32 (2022), CD2. (Ayes: Elefante, Fukunaga, Tsuneyoshi, Tupola – 4; Noes: None.)

Respectfully submitted,



Committee Chair

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ADOPTED ON _____

COMMITTEE REPORT NO. 281



A BILL FOR AN ORDINANCE

RELATING TO OPEN DATA REQUIREMENTS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and findings. The purpose of this ordinance is to amend the Executive Branch open data requirements to:

1. Plan: create a strategy, governance structure, and inventory for certain data;
2. Build: increase the capacity of stakeholders to effectively use certain data;
3. Share: establish clear and predictable processes for data sharing;
4. Analyze: provide mechanisms and platforms to enable data integration and analysis; and
5. Sustain: ensure ongoing support exists for data efforts.

The City Council ("Council") finds that there is an interest in promoting sustainability within the operations of the City and County of Honolulu ("City"), which includes focusing on meeting the needs of the present without compromising the ability of future generations to meet their needs. From addressing the critical issue of filling vacant positions within the City, some of which have been vacant for over two decades, to meeting the challenges faced by the Department of Design and Construction to address capital improvement project needs within the community, the Council finds that data metrics and key performance indicators may be needed to ensure a sustainable future for the benefit of all people living within the City.

The COVID-19 pandemic has highlighted disparities in the administration of City services and relief and demonstrated the overall importance of timely and accessible data. Federal funding, including funds from the American Rescue Plan Act of 2021 (Public Law 117-2), requires sophisticated data management to identify community needs, ensure equitable outcomes, and provide current and accurate reports on program outcomes.

Additionally, a report from the Beeck Center for Social Impact and Innovation at Georgetown University found that, in Indiana, the return on investment from improving data infrastructure was over \$40 million and further found that, in Virginia, the availability of combined data from state and local organizations on opioid use and ways to respond to it led to a decrease in the number of drug overdose deaths involving opioids.



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Furthermore, numerous audits conducted by the Honolulu City Auditor have called for increased data collection, data reporting, and data capacity in City departments. In addition, the Council has continuously expressed the need for timely, accurate, and accessible data to guide it toward improving government services, efficiency, and interdepartmental collaboration, through the introduction and adoption of certain resolutions, including but not limited to, the following:

1. Resolution 21-100, CD1, which urged the State of Hawai'i and the City Administration to disaggregate racial data collection and reporting beyond federal minimum standards;
2. Resolution 22-3, CD1, which, among other things, requested an update from the City Administration on the number of affordable housing units developed in the City on private or City-owned property in 2021;
3. Resolution 22-23, which, among other things, requested that the City Administration establish a publicly accessible capital improvement project digital dashboard to allow the Council and the public to monitor the progress of all budgeted City capital improvement projects; and
4. Resolution 21-253, which requested the City Administration to provide the Council with quarterly reports of overtime use and compensatory time off authorized by each executive City department for its employees.

Accordingly, the Council finds that expanding and clarifying the City's Executive Branch open data requirements will further foster increased government efficiency and civic engagement by empowering citizens through the democratization of information and fostering citizen participation in City government projects, supporting early-stage entrepreneurship, encouraging positive environments that contribute to workforce development and job creation, and fostering a positive business environment and public-private partnerships.

SECTION 2. Chapter 2, Article 19, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Article 19. Executive Branch Open Data, Strategic Data Usage, and Reporting Requirements

Sec. 2-19.1 Definitions.

As used in this article, unless the context requires otherwise:



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"Agency" means "executive agency" as defined in Charter Section 13-101 [~~of the Revised Charter of the City and County of Honolulu~~].

"Data" means final versions of statistical or factual information that is:

- (1) In alphanumeric form reflected in a list, table, graph, chart, or other [~~non-narrative~~] non-narrative form, that can be digitally transmitted or processed; and
- (2) Regularly created or maintained by or on behalf of, and owned by, an agency that records a measurement, transaction, or determination related to the mission of that agency.

"Data-rich format" means a collection of records or information, or both, provided in a format that is in compliance with non-proprietary, open, and documented standards, is in common usage by business and research communities, uses standard character encodings, is uncompressed and unencrypted, and contains metadata.

"Data set" means a named collection of related records on an electronic storage device, with the collection containing individual data units organized or formatted in a specific and prescribed way, often in tabular form, and accessed by a specific access method that is based on the data set organization; provided that a data set shall not include any data that are protected from disclosure under applicable federal or [~~state~~] State law, or contract, or data that are proprietary or privileged.

"Director" means the director of information technology.

"Key performance indicator" means a quantifiable measure used to evaluate the performance of agency programs and initiatives.

Sec. 2-19.2 Electronic data set availability and updates[.]—Duties of city agencies.

- (a) Each agency shall, in consultation with the director and the city's chief data officer established in Section 2-19.7, and in coordination with the city data plan created pursuant to Section 2-19.5, use reasonable efforts to make appropriate and existing electronic data sets maintained by the agency electronically available at no cost to the public through the city's open data portal at data.honolulu.gov or its successor website designated by the [~~city's~~] director [~~of information technology~~]; provided that:

- [(1) ~~Nothing in this chapter shall require agencies to create new electronic data sets or to make data sets available upon demand;~~



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~~(2)~~ (1) Data licensed to the city by another person or entity shall not be made public under this chapter unless the person or entity licensing the data agrees to the public disclosure; and

~~(3)~~ (2) Proprietary, privileged, and other information protected from disclosure by law, ethical standard, court order, or contract shall not be disclosed.

Such disclosure shall be consistent with the procedures and standards developed by the ~~[director of information technology]~~ chief data officer and consistent with applicable law, including HRS Chapter 92F and other ~~[state]~~ State and federal laws and ethical standards related to security, privacy, and confidentiality, and no personally identifiable information shall be posted online unless the identified individual has consented to the posting or the posting is necessary to fulfill the lawful purposes or duties of the agency. .

(b) Each agency shall, in consultation with the director and the city's chief data officer established in Section 2-19.7, and in coordination with the city data plan in Section 2-19.5, use reasonable efforts to make appropriate and existing electronic data sets maintained by the agency electronically available to the city's enterprise operational platform.

~~(b)~~ (c) Nothing in this chapter ~~[shall, if necessary, prevent]~~ prevents the director ~~[of information technology] or managing director~~ from adopting rules pursuant to HRS Chapter 91 to implement this article, and nothing in this ~~[chapter shall supersede]~~ article supersedes HRS Chapter 27G.

~~(c)~~ (d) Each agency shall update its electronic data sets in the manner prescribed by the ~~[director of information technology]~~ chief data officer and as often as is necessary to preserve the integrity and usefulness of the data sets to the extent that the department or agency regularly maintains or updates the data sets.

Sec. 2-19.3 City liability for data sets.

Data sets shall be available for informational purposes only. The city does not warrant, either expressly or impliedly, the completeness, accuracy, content, or fitness of any data set for a particular purpose and shall not be liable for any deficiencies in the completeness or accuracy of any data set, or third-party application utilizing any data set.



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Sec. 2-19.4 Data set licensing.

The director [~~of information technology~~] may make the agencies' electronic data sets on data.honolulu.gov or its successor website available to third parties pursuant to a license, which may require the licensee to allow any user to copy, distribute, display, or create derivative works at no cost and with an appropriate level of conditions placed on the use.

Sec. 2-19.5 City data plan.

- (a) Within one year of the hiring of a chief data officer and every two years thereafter, the managing director, in consultation with the director, other city agencies, agency data coordinators, and the council, shall create a city data plan for submission to the mayor, the council, and all agency directors. The city data plan, at minimum, shall:
- (1) Establish governance structures for the implementation of the city data plan;
 - (2) Address the strategic use of data throughout city operations by, at a minimum:
 - (A) Establishing data management and analysis standards across all agencies;
 - (B) Developing specific, short-term goals achievable for each agency within the two years following the submission of the initial city data plan (which plan is to be submitted within one year of the hiring of a chief data officer) and within two years of each plan submitted thereafter, as well as longer-term goals; and
 - (C) Making recommendations to enhance standardization and integration of data systems and data management practices across all agencies;
 - (3) Address open data policies and procedures by, at minimum:
 - (A) Determining specific minimum key performance indicators for each agency, to be posted pursuant to Section 2-19.2 and Section 2-19.9;



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- (B) Developing specific short- and long-term goals for each agency for the posting of data sets, pursuant to Section 2-19.2; and
 - (C) Establishing guidelines for the selection and prioritization of data sets for posting for each agency;
- (4) Establish processes for compliance with the city data plan by each agency in accordance with Section 2-19.6; and
- (5) Incorporate any technical policies, procedures, or standards developed by the director.
- (b) All city data plans submitted after the submission of the initial city data plan (which shall be submitted within one year of the hiring of a chief data officer) shall report project funding and expenditures, cost savings, cost avoidance, efficiency gains, process improvements, and major accomplishments. A description of cost savings and cost avoidance shall include immediate monetary impacts as well as ongoing projections.

Sec. 2-19.6 Agency compliance plans.

- (a) Each agency shall, in consultation with the director and the city's chief data officer and in coordination with the city data plan created pursuant to Section 2-19.5, submit an annual agency compliance plan to the mayor and the council on or before July 15 of each year. The plan shall include:
 - (1) A summary description of public data sets under the control of the individual agency;
 - (2) A summary description of the prioritization of public data sets for inclusion on the open data portal in Section 2-19.2;
 - (3) A timeline for the publication or update of public data sets on the open data portal; and
 - (4) An update on compliance with the city data plan outlined in Section 2-19.5.
- (b) All agency compliance plans shall be made available to the public on the open data portal in Section 2-19.2.



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Sec. 2-19.7 City data plan implementation.

The mayor may designate a chief data officer who, in consultation with the director, shall:

- (1) Oversee the strategic direction, creation, and implementation of the city data plan specified in Section 2-19.5;
- (2) Advise agencies on the use and management of data to enhance the efficiency and effectiveness of city programs and policies;
- (3) Establish systems and provide continual support for agencies to consistently evaluate, determine, and report on minimum key performance indicators;
- (4) Facilitate the sharing and use of agency data:
 - (A) Between or among other agencies;
 - (B) With the legislative branch; and
 - (C) With the public;
- (5) Coordinate data analytics and transparency master planning for agencies;
- (6) In consultation with the director, ensure that agencies transmit data in a data-rich format;
- (7) Collaborate with the director to develop any and all data-related administrative rules; and
- (8) Facilitate the disaggregation of racial data and reporting beyond federal minimum standards.



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Sec. ~~[2-19.5]~~ 2-19.8 ~~[Data]~~ Open data set policies and procedures.

- (a) The director ~~[of information technology]~~, in consultation with the chief data officer, the State office of information practices, and the ~~[state's]~~ State office of ~~[information management and technology]~~ enterprise technology services, shall adopt rules, pursuant to HRS Chapter 91, to establish policies to implement Section 2-19.2, including standards to determine which data sets are appropriate for online disclosure as provided in Section 2-19.2; provided that the standards shall not require the agencies to post information that is otherwise required to be disclosed under HRS Chapter 92F, but is personally identifiable information, information that may pose a personal or public security risk, or is otherwise inappropriate for online disclosure as part of a data set. The rules shall include the following:
- (1) Technical requirements with the goal of making data sets available to the greatest number of users and for the greatest number of applications, including, whenever practicable, the use of machine readable, non-proprietary technical standards for web publishing; and
 - (2) Guidelines for agencies to follow in making data sets available~~[-]~~, such as requirements for the intergovernmental transfer of data sets in data-rich format.
- (b) ~~[Notice of the public hearing to be held on the draft rules pursuant to HRS Section 91-3 shall be published within 180 days of the effective date of this ordinance, and shall provide notice of the opportunity for public input and comment.]~~ The chief data officer, in consultation with the director, shall work with agencies to develop an enterprise data inventory that describes data sets with significant strategic use that are created or collected by an agency. The chief data officer shall also establish a process and a reporting format for agencies to provide the collected data to the chief data officer. The inventory shall include, but is not limited to:
- (1) The title and description of the information contained within the data set;
 - (2) A description of how the data sets are maintained, including standards or terminologies used to structure the data sets;
 - (3) Any existing or planned application programming interface used to publish the data sets;



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- (4) A description of the data sets provided in any such existing interface; and
- (5) A description of the data sets expected to be provided in any currently planned interface.

Sec. 2-19.9 Minimum key performance indicators.

Under the oversight of the chief data officer, key performance indicators by agency shall be reported and posted publicly, and should be built into operations systems that will provide continual measurements for agencies, in accordance with the city data plan and agency compliance plans provided for in Section 2-19.5 and Section 2-19.6, respectively."

SECTION 3. Ordinance material to be deleted is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the bracketed and stricken material, or the underscoring.



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SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters

DATE OF INTRODUCTION:

April 27, 2022

Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

RICK BLANGIARDI, Mayor
City and County of Honolulu